



Albert Shuldiner
Senior VP & General Counsel

ELECTRONIC DELIVERY VIA ECFS

February 11, 2009

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

Re: MB Docket No. 99-325
Notice of Ex Parte Presentation

Dear Ms. Dortch:

iBiquity Digital Corporation ("iBiquity"), by its attorneys, hereby notifies the Commission, pursuant to Section 1.1206 of the Commission's Rules, of a meeting held on February 11, 2009 with James Bradshaw, Susan Crawford, Peter Doyle, Ann Gallagher, Tom Hutton, Charles Miller and Mary Beth Murphy of the Media Bureau. iBiquity was represented by Robert Mazer, Esq. and the undersigned. Also in attendance were Steven A. Lerman, Esq. and John W. Bagwell, Esq. of Lerman Senter PLLC representing the Joint Parties in the proceeding and Milford K. Smith, Vice President, Radio Engineering of Greater Media, Inc.

At this meeting, the participants discussed the recently filed comments and reply comments in the proceeding. The participants urged the Commission staff to immediately allow stations in the non-reserved band to upgrade their digital FM operations by up to 10 dB and at the same time to maintain the current -20 dBc power level for stations in the reserved band. A copy of the presentation that was distributed at the meeting is attached to this letter.

A copy of this letter will be provided via e-mail to those in attendance. Any questions regarding this matter should be directed to the undersigned.

Respectfully submitted,

/s/Albert Shuldiner
Albert Shuldiner

cc: James Bradshaw
Susan Crawford
Peter Doyle
Ann Gallagher
Tom Hutton
Charles Miller
Mary Beth Murphy



Federal Communications Commission

Audio Division

February 11, 2009

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Overview of Comments and Reply Comments

- ❑ Overwhelming majority of broadcasters support power increase
 - ❑ No dispute that power increase will improve digital coverage and building penetration
- ❑ Only concern raised is potential for digital signal to impact first adjacent analog signals and radio reading services
- ❑ iBiquity and Joint Party tests show any potential impact is manageable
 - ❑ Potential for interference generally limited to areas outside of the protected contour
 - ❑ Any potential impact limited to oval shaped region between stations
 - ❑ Existing thermal and man-made noise should mask any increase in interference in most cases
- ❑ NPR and some public radio stations have expressed reservations, mostly based on results of NPR's DRCIA study
 - ❑ The DRCIA study overstates the possibility of interference
 - ❑ The study is based on an unrealistic, worst-case scenario
 - ❑ Joint Parties proposal will address concerns of public radio



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Joint Parties Proposal

- ❑ The Commission should allow stations in the non-reserved band to upgrade immediately to up to -10 dBc and maintain the current -20 dBc power limit for the reserved band
 - ❑ Would allow reserve band stations to become more comfortable with the real-world experience of non-reserve band stations
 - ❑ Only a limited number of stations will increase power in the next few years due to financial and engineering constraints – the potential for harmful interference to analog operations is minimal but the potential benefit to the public is significant
 - ❑ Most reading services are located in the reserved band – restricting the power increase to the non-reserved band will help protect reading services from an impact while further studies are conducted about compatibility with SCA services in the reserved band
 - ❑ This approach will provide public radio with additional time to study and consider the power increase issue



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Bifurcation Approach Is Logical Way To Proceed

- ❑ Commission already administers different allocation schemes for reserved and non-reserved bands – not a large burden to differentiate in this case and no additional FCC resources required
- ❑ Bifurcation reflects potentially different interference scenarios based on different allocations in reserved and non-reserved bands
- ❑ Bifurcation reflects the realities of the different economic interests held by commercial and noncommercial stations – noncommercial broadcasters have a stronger economic interest in donations from outside the protected contour
- ❑ Practical limitations on the number of stations that will increase power in the next few years will limit any potential harmful impact
- ❑ Bifurcation provides an incremental approach that allows the Commission to further study the potential impact of the power increase before universal application of the new rule
- ❑ With current economy, stations experiencing insufficient digital coverage need higher power to justify digital upgrade
- ❑ Schedule of further testing is unclear – bifurcation gives Commission a path forward while waiting for more input from public radio



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